

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Letters Patent of:
John C. Harvey *et al.*

Patent No.: 7,849,493

Issued: December 7, 2010

For: SIGNAL PROCESSING APPARATUS AND
METHODS

Commissioner for Patents
Office of Patent Publication
Attention: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDED REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R.
§1.323

Dear Sir:

Patentee filed a Request for Certificate of Correction for the above-identified patent with the Patent and Trademark Office (the "Office") on December 10, 2010 ("Request"). A Certificate of Correction has yet to be issued by the Office and the Request remains pending. Patentee has not received any communication from the Office regarding the Request since its filing.

Upon review of the Request, Patentee noted a typographical error in the Certificate of Correction, Form PTO/SB/44 submitted with the Request. In particular, the submitted PTO/SB/44 form identified the incorrect column for which correction was requested. The incorrect PTO/SB/44 form submitted with the Request identified the column of the error as column 293, rather than column 289. An amended Form PTO/SB/44 is attached, and includes the following correction:

At claim 4, column 289, line 14, replace "intermediate" with --interactive--

The reasons for which the error should be corrected remain the same as those discussed in the Request. They are reproduced herein.

Claim 4 was originally claim 17. The claims were last amended via an Examiner's Amendment contained in the Notice of Allowance mailed August 11, 2010. The language introduced via the Examiner's amendment was arrived at during a series of interviews with the Examiner. Although the language was formally introduced by the Examiner, it was informally proposed by the Applicants. The Examiner's Amendment was authorized by Applicants on April 27, 2010. No later amendments were submitted by Applicants or issued by the Examiner.

Patent 7,849,493, issued December 7, 2010, contained an error that was also contained within the Examiner's Amendment caused by the Applicants.

Among other changes, page 5 of the August 11, 2010 Examiner's Amendment inserted the phrase "station, wherein said reply is processed to formulate or assemble a signal effective at said intermediate mass medium output apparatus to generate and deliver subscriber specific budget...." This insertion was informally proposed by Patentee in a series of interviews with Examiner. Applicants mistakenly used the phrase "**intermediate** mass medium program output apparatus" (emphasis added) which lacks antecedent basis in the claim rather than "**interactive** mass medium program output apparatus" which has antecedent basis within the claim.

The error sought to be corrected is an inadvertent typographical error the correction of which does not involve new matter or require reexamination. Support can be found at, *inter alia*, column 284, lines 14-48 of the issued patent.

Transmitted herewith is a proposed Certificate of Correction effecting such amendment. Patentee respectfully solicits the granting of the requested Certificate of Correction.

Because Patentee now submits an *Amended* Request for Certificate of Correction and because the Request for Certificate of Correction filed December 10, 2010 is still pending at the Patent and Trademark Office, Patentee does not believe that an additional fee is required for

Request for Certificate of Correction
Patent No. 7,849,493
Attorney Docket No. PMC-003 C110
Page 3 of 3

filing this Amended Request. However, if any additional fees are due, the Director is hereby authorized to charge such fees to our Deposit Account No. 50-4494.

Dated: August 26, 2011

Respectfully submitted,

By Thomas J. Scott, Jr./

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,849,493

APPLICATION NO.: 08/446,553

ISSUE DATE : December 7, 2010

INVENTOR(S) : John C. Harvey et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At claim 4, column 289, line 14, replace "intermediate" with --interactive--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

THOMAS J. SCOTT, ESQ
GOODWIN PROCTER LLP
901 NEW YORK AVE. NW, WASHINGTON, DC 20001

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The information provided by you in this form will be subject to the following routine uses:

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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.